

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

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B/O Form PTO-1390		<b>Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371</b>	<i>Attorney's Docket Number</i> WITT3005 /FJD
			U.S. Application Number (if known) 10/534,700
International Application Number PCT/EP2003/012669	International Filing Date 13/Nov/2003	Priority Date Claimed 15 November 2002	
Title of Invention Method for Producing Software Modules for Field Appliances used in the Process Automation Technique			
Applicant(s) for DO/EO/US Detlev Wittmer			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371:			
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 USC 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 USC 371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 30(1).</li> <li>4. <input type="checkbox"/> The U.S. has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed 35 USC 371(c)(2). <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 USC 371(c)(2)).</li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 USC 371(c)(4)). ( <input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted)</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).</li> </ol> <p><i>Items 11 to 16 below concern other document(s) or information included:</i></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input checked="" type="checkbox"/> A SUPPLEMENTAL Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and U.S.C. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> Priority is claimed for German application no. 102 53 603.1 with a filing date of Nov. 15, 2002.</li> <li>20. <input checked="" type="checkbox"/> Other items or information: a copy of the Notification of Defective Response</li> </ol>			

RECEIVED

26 MAY 2006

Legal Staff  
International Division

Application Number (if Known) <b>10/534,700</b>		International Application Number <b>PCT/EP2003/012669</b>		Attorney's Docket Number <b>WITT3005/FJD</b>	
				<b>Calculations</b>	<b>PTO USE ONLY</b>
21. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee ..... \$200.00 <input checked="" type="checkbox"/> c) Search Fee ..... \$500.00					
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,000.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fractions thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fractions thereof (round up to a whole number)	RATE		
- 100 =	/50=		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER	NUMBER EXTRA	RATE		
Total Claims	4 -20 =		x \$50.00		
Independent Claims	1 -3 =		x \$200.00		
Multiple Dependent Claims (if applicable)			+ \$360.00		
<b>TOTAL OF ABOVE CALCULATIONS</b>					
<input type="checkbox"/> Reduction by ½ for filing by small entity, if applicable. Small Entity Status is asserted pursuant to 37 CFR 1.27 for this application.					
<b>SUBTOTAL</b>				<b>\$</b>	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
<b>TOTAL NATIONAL FEE</b>				<b>\$</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					
<b>TOTAL FEES ENCLOSED</b>				<b>\$</b>	
			Amount to be:	Refunded:	
				Charged:	

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the fees is enclosed.
- b. ☐ Please charge my Deposit Account Number 02-0200 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is enclosed.

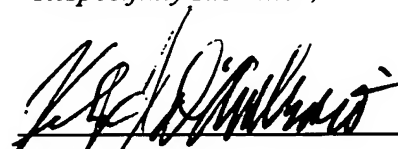
Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**23364**

Customer Number  
Phone: (703) 683-0500

DATE: April 25, 2006

Respectfully submitted,



Felix J. D'Ambrosio  
Attorney for Applicant  
Registration Number: 25,721

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/534,700  
Confirmation No. : 8701  
Applicant : D. Wittmer  
Filed : 13 May 2005  
Title : Method for producing software modules for field  
devices of process automation technology  
TC/A.U. :  
Examiner :  
Docket No. : WITT3005/FJD  
Customer No. : 23364

**RESPONSE TO NOTIFICATION OF DEFECTIVE REPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Notification of Defective Response states that the executed Declaration (previously filed) listed three inventors but the three names did not appear on the published international application.

The three inventors names should have been included on the published international application. The three inventors did sign the declaration which was previously filed.

We are now also filing a Supplemental Application Data Sheet which includes the two missing inventors' names.

Respectfully submitted,  
BACON & THOMAS, PLLC



Fern J. D'Ambrosio  
Attorney for Applicant

Registration Number 25,721

Date: April 25, 2006

**Customer Number \*23364\***  
**BACON & THOMAS, PLLC**  
625 Slaters Lane, Fourth Floor  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,700	Detlev Wittmer	WITT3005/FJD

INTERNATIONAL APPLICATION NO.
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PCT/EP03/12669

23364  
 BACON & THOMAS, PLLC  
 625 SLATERS LANE  
 FOURTH FLOOR  
 ALEXANDRIA, VA 22314

Date 3-27-06 Atty FJD  
 Action Due M.P.  
 Deadline 4-25-06  
 Final Deadline 6-25-06  
 Based on \_\_\_\_\_

I.A. FILING DATE	PRIORITY DATE
11/13/2003	11/15/2002

CONFIRMATION NO. 8701

371 FORMALITIES LETTER



\*OC000000018351167\*

Date Mailed: 03/24/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 05/13/2005
- English Translation of the IA filed on 02/27/2006
- Copy of the International Search Report filed on 05/13/2005
- Information Disclosure Statements filed on 05/13/2005
- Oath or Declaration filed on 02/27/2006
- Request for Immediate Examination filed on 05/13/2005
- U.S. Basic National Fees filed on 05/13/2005
- Power of Attorney filed on 02/27/2006

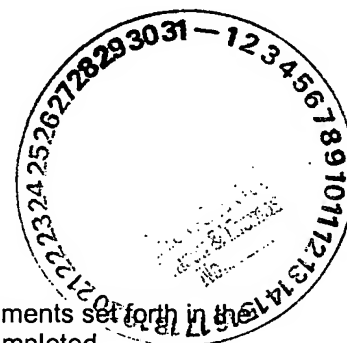
Applicant's response filed 02/27/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 11/25/2005 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - inventor Michael Gunzert and Dr. Joachim Schulerer is not listed on the published specification nor the application data sheet

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed



to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,700	PCT/EP03/12669	WITT3005/FJD